

**Exhibit 2 to Plaintiff's
Supplemental Opposition to
Defendant Benton Express, Inc.'s
Motion for Summary Judgment**

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

4 HAZEL ROBY, as Administratrix of)
5 the Estate of RONALD TYRONE)
6 ROBY, Deceased,)
7)
8 Plaintiffs)
9)
10)
11 VS.)
12)
13 BENTON EXPRESS, INC., et al.,)
14)
15 Defendants.)
16)
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18)
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23)

11 The video deposition of STEPHANIE STEPHENS,
12 pursuant to notice and the within stipulation at
13 the law office of Thomas J. Ueberschaer, 601
14 North Baylen Street, Pensacola, Florida,
15 beginning at 9:17 a.m., on December 8, 2005.

20 BEFORE: Rachel S. Landreneau, CCR, LA, MS

1/1/2006

1 could get in some kind of contact with him.

2 A. I guess even though he could come back
3 anytime between Friday and Monday, uh, you were
4 concerned because you all had a full weekend
5 planned?

6 MR. BROCKWELL: Object to the form.

7 BY MR. BOONE CONTINUED:

8 Q. I --

9 A. Um --

10 Q. -- I understood that you may have been
11 concerned because you all had a birthday planning
12 and, and a big weekend planned?

13 MR. BROCKWELL: Object to the form.

14 A. Well, it was because, uh, he would have
15 called me by noon that --

16 Q. Okay.

17 A. - that day.

18 Q. Let me rephrase the question for the, uh,
19 record. Um, uh, what made you concerned? And I
20 think you've answered it, but for, for --

21 A. Because he didn't contact me by noon.

22 Q. Okay. And when you became concerned,
23 what did you say you did?

1 and he was planning on buying me another wardrobe
2 of clothes, 'cause we had lived in a shed,
3 basically, for a year and a half and we weren't
4 bringing any old stuff back into the house.

5 Q. That sounds like a very good plan. Uh, I
6 guess you was excited about that?

7 A. Yes, uh-huh.

8 Q. And, uh, do you recall on the, uh,
9 weekend that your husband, uh, had to haul a load
10 to Atlanta? Uh, what caused him to have to, uh,
11 make a weekend run?

12 A. Um, Garland and him would often, um,
13 exchange if one had something to do, and I guess
14 Garland had something to do and Craig took --
15 took the load for him.

16 Q. And do I take from what you're saying
17 that it -- that weekend run was Garland's normal
18 run?

19 A. Yes, uh-huh.

20 Q. And was it your understanding that
21 Garland had asked Craig to cover for him?

22 A. Yes, uh-huh.

23 Q. Uh, what was Craig normal weekday run?

1 MR. BOONE: Uh, let me rephrase the
2 question.

3 BY MR. BOONE CONTINUED:

4 Q. Um, on the run that, uh, Craig Stephens
5 was making for Garland, did he have any set time
6 that he made that run?

7 A. Uh, Friday or Saturday he could go take
8 the load to Atlanta. It was at his discretion on
9 which day he left.

10 Q. Okay. And on that run, do you know if he
11 had any set time that he was required to be back
12 with that load?

13 A. With that load, being back on a Monday.
14 But Craig would be back on Sunday to make his
15 Tallahassee run.

16 Q. Okay. You --

17 A. Sometimes, unless he ask Garland to, uh,
18 for whatever reason, like going to church, he
19 wanted to attend whatever special event we was
20 having at church, Garland would take the Sunday
21 run for him.

22 Q. Uh, if Craig didn't have a Sunday run,
23 when did he have to return from that run that he

1 left on? In this event, on Friday, when did he
2 have to return?

3 A. By -- before Monday morning so that load
4 could be distributed.

5 Q. And from your recollection, did he -- he
6 go and make the Atlanta run sometimes on Friday?

7 A. Yes.

8 Q. And did he sometimes leave on Saturday?

9 A. Yes.

10 Q. Had you ever, uh, been to the Benton
11 Express facility that's in Atlanta where he was
12 going?

13 A. Yes.

14 Q. And do you recall from either - through
15 your experience or your conversation with your
16 husband how long did it normally take him to make
17 that run from Pensacola to the Benton Express
18 terminal in Atlanta?

19 A. Um, six, six and a half hours, somewhere
20 around there.

21 Q. And what was your occasion for, uh,
22 getting to, uh, observe the facility, Benton
23 Express facility at Atlanta?

1 Q. Do you have any idea why anybody would
2 suggest that he was trying to steal a Benton
3 Express truck?

4 MR. BROCKWELL: Object to the form.

5 A. No.

6 Q. Were you familiar with the route your
7 husband took from Pensacola to Atlanta?

8 A. Uh, yes. Now, I only know one way, sir.

9 Q. Yeah.

10 A. Yeah.

11 MR. BOONE: Well, I, I think that's all I
12 have at this moment.

13 MR. BROCKWELL: Do you want to take a
14 break for just a minute?

15 MR. BOONE: If you want to.

16 MR. BROCKWELL: Get up and stretch your
17 legs.

18 THE WITNESS: All right.

19 THE VIDEOGRAPHER: Off the record at
20 10:08.

21 (At this time a break was taken.)

22 THE VIDEOGRAPHER: Okay. We're back on
23 the record at 10:25.